

INTERNATIONAL LABOUR ORGANIZATION



**NATIONAL DOMESTIC
WORKERS ALLIANCE**

BEYOND SURVIVAL

ILO CONVENTION AND RECOMMENDATION FOR DOMESTIC WORKERS



ILO CONVENTION AND RECOMMENDATION FOR DOMESTIC WORKERS

BASIC RIGHTS OF DOMESTIC WORKERS



- Promotion and protection of the human rights of all domestic workers
- Respect and protection of fundamental principles and rights at work: (a) freedom of association and the effective recognition of the right to collective bargaining; (b)

elimination of all forms of forced or compulsory labour; (c) abolition of child labour; and (d) elimination of discrimination in respect of employment and occupation

- Effective protection against all forms of abuse, harassment and violence
- Fair terms of employment and decent living conditions
- Domestic workers must be informed of their terms and conditions of employment in an easily understandable manner, preferably through a written contract

HOURS OF WORK

- Measures aimed at ensuring equal treatment between domestic workers and workers generally with respect to normal hours of work, overtime compensation, periods of daily and weekly rest, and annual paid leave
- Weekly rest period of at least 24 consecutive hours
- Regulation of stand-by hours (periods during which domestic workers are not free to dispose of their time as they please and are required to remain at the disposal of the household in order to respond to possible calls)

OCCUPATIONAL SAFETY AND HEALTH

- Right to safe and healthy working environment
- Measures are put in place to ensure workers' occupational safety and health

REMUNERATION

- Minimum wage if a minimum wage exists for other workers
- Payment of wages must be paid in cash, directly to the worker; and at regular interval of no longer than one month. Payment by cheque or bank transfer – when allowed by law or collective agreements, or with worker's consent
- In-kind payment is allowed under 3 conditions: only a limited proportion of total remuneration; monetary value is fair and reasonable; the items or services given as in-kind payment are of personal use by and benefit to the workers. This means that uniforms or protective equipments are not to be regarded as payment in kind, but as tools that the employer must provide to the workers at no cost to them for the performance of their duties
- Fees charged by private employment agencies are not to be deducted from the remuneration



SOCIAL SECURITY

- Social security protection, including maternity benefits
- Conditions that are not less favourable than those applicable to workers generally

CHILD DOMESTIC WORKERS

- Requirement to set a minimum age for entry into domestic work
- Domestic workers aged 15 years old but less than 18 years old – their work should not deprive them of compulsory education, or interfere with their opportunities for further education or vocational training

LIVE-IN WORKERS

- Decent living conditions that respect the workers' privacy
- Freedom to reach agreement with their employers or potential employers on whether or not to reside in the household
- No obligation to remain in the household or with its members during their periods of rest or leave
- Right to keep their identity and travel documents in their possession
- Regulation of stand-by hours

MIGRANT DOMESTIC WORKERS

- A written contract that is enforceable in the country of employment, or a written job offer, prior to traveling to the country of employment
- Clear conditions under which domestic workers are entitled to repatriation at the end of their employment
- Protection of domestic workers from abusive practices by private employment agencies
- Cooperation among sending and receiving countries to ensure the effective application of the provisions of the Convention to migrant domestic workers

PRIVATE EMPLOYMENT AGENCIES

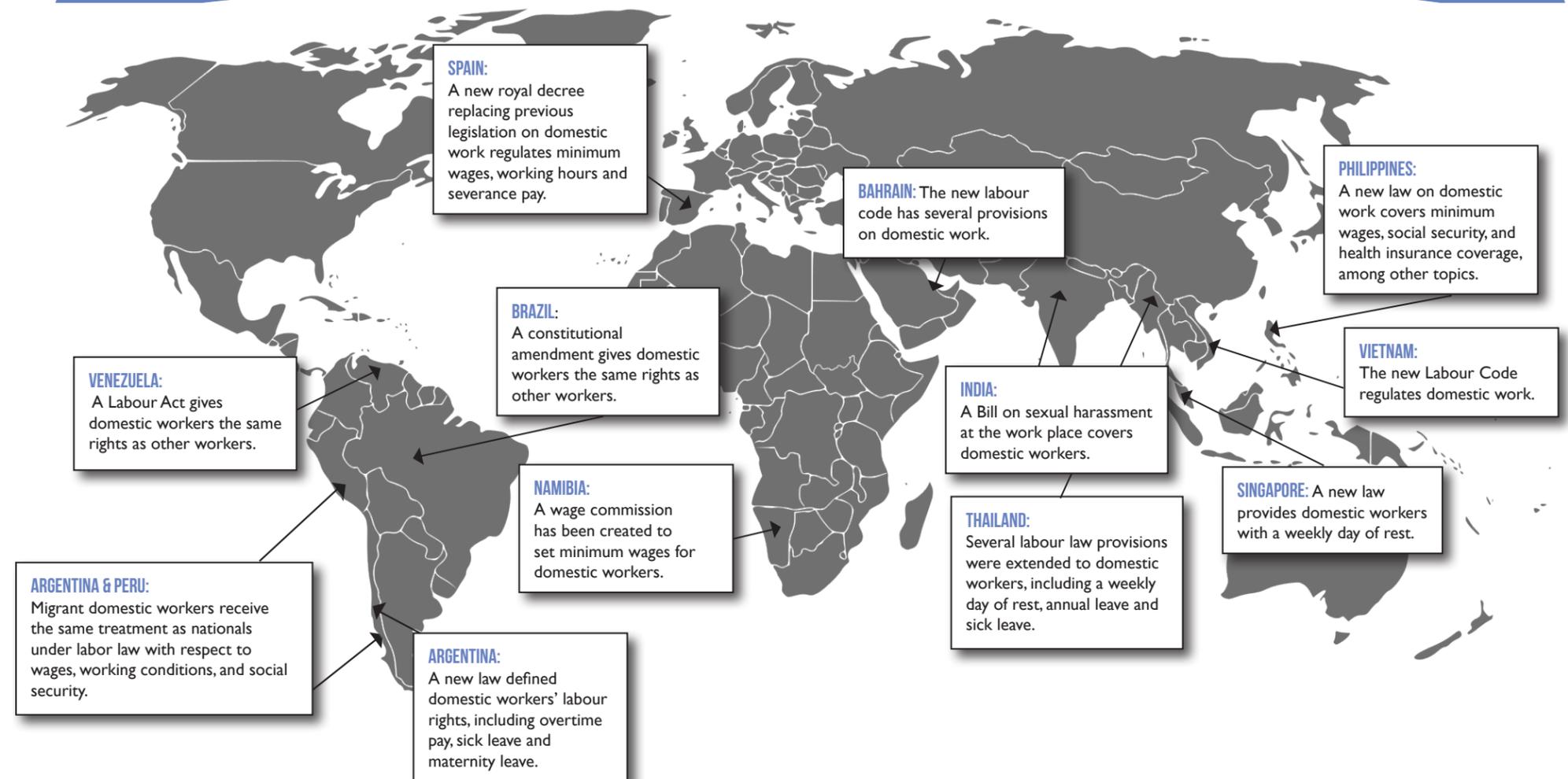
- Regulate of the operation of private employment agencies;
- Ensure adequate machinery for the investigation of complaints by domestic workers;
- Provide adequate protection of domestic workers and prevention of abuses, in collaboration with other Members where appropriate;
- Consider concluding bilateral, regional or multilateral agreements to prevent abuses and fraudulent practices.

DISPUTE SETTLEMENT, COMPLAINTS, ENFORCEMENT

- Effective access to the court, tribunals or other dispute settlement mechanisms, including accessible complaint mechanisms
- Measures to be put in place to ensure compliance with national laws for the protection of domestic workers, including labour inspection measures. In regard, the convention recognizes the need to balance domestic workers' right to protection and the right to privacy of the households' members



WHAT HAS CHANGED IN LABOUR LEGISLATION SINCE THE ADOPTION OF THE DOMESTIC WORKERS' CONVENTION 189?



CONVENTION 189 AND RECOMMENDATION 201

(ILC) in June 2011, the Convention sets standards for the working conditions of domestic workers.

It states that they must have the same basic labour rights as other workers, including:

- Reasonable working hours
- Weekly rest of at least 24 consecutive hours
- A limit on in-kind payment
- Clear information on terms and conditions of employment
- Respect for fundamental principles and rights at work, including freedom of association and the right to collective bargaining. The Convention, which comes into force in September 2013, is binding for countries that ratify it.

GENERAL FACTS

- 52.6 million people claim to be domestic workers across the world
- 83% of Domestic Workers are women
- In early April 2013, domestic workers protested before the Mexican Senate to demand ratification of ILO Convention 189 and its recommendation as a way to respect their labour rights. Mexico is expected to ratify ILO Convention 189 and Recommendation 201 in June 2013.

About 29.9% of them are excluded from domestic labour laws and 45% have no right to paid weekly rest and/or annual holidays; and more than a third of women domestic workers have no right to maternity protection.



FOR MORE INFORMATION AND ASSISTANCE

For more information, to get help, or to meet other domestic workers, contact your local NDWA affiliate:

HUMAN TRAFFICKING

If your employer is physically or sexually abusing you, holding your documents or passport, threatening you or your family members, restricting you from leaving the house or talking on the phone, depriving you of food or sleep, or otherwise using force, fraud, or coercion to keep you working, contact:

**The National Human Trafficking Resource
Center Hotline (24/7) at 1-888-373-7888**

These are possible indicators of human trafficking, and you can be connected to help.

OTHER RESOURCES

**The California Division of Labor
Standards Enforcement (866) 924-9757**

For more information about your rights to paid the minimum wage and overtime in California, see the state's website or the website of The Legal Aid Society, Employment Law Center:

National Domestic Workers Alliance Anti-Trafficking Campaign
www.domesticworkers.org/anti-trafficking-campaign

SOURCE:

http://www.ilo.org/travail/areasofwork/WCMS_190450/lang--en/index.html